



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,840	03/12/1999	SCOTT EVANS	EVA-001	7636

7590 02/22/2002
JOHN F WOOD
WARD & OLIVA
708 THIRD AVE
NEW YORK, NY 10017

EXAMINER	
BARTUSKA, FRANCIS JOHN	
ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/267840

Applicant(s)

S. EVANS

Examiner

F. J. BARTUSKA

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on JAN. 31, 2002

2a) ☒ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- 1. ☐ Certified copies of the priority documents have been received.
- 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

Art Unit: 2167

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 4, 10-12, 14 and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lamm. Lamm discloses sending a bill over the Internet, see col. 5, line 21 and col. 11, lines 60-62, a bill identification number is disclosed in col. 10, lines 54-57 and col. 13, lines 22-26, the bill identification number is an authorization code which is included in the payment instructions back to the biller, see col. 15, lines 46-49. Col. 7, lines disclose that the billing party may deal directly with

Art Unit: 2167

the bill payers. Including advertising material with the bill is disclosed in col. 14, lines 61-66. Payment by credit card authorization is disclosed in col. 16, lines 44-47.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm in view of Bednar et al. Lamm shows all the features of the applicant's claimed invention except payment by electronic check. Bednar et al show a system for paying bills with the electronic check shown in Fig. 5. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Bednar et

Art Unit: 2167

al to modify the device of Lamm to allow payment by electronic check to give the bill payers more ways to pay the bills.

5. Claims 5, 6, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm in view of Hilt et al. Lamm shows all the features of the applicant's claimed invention except payment of the bills through the mail. Hilt et al disclose paying bills in col. 13, lines 48-50 paying bills either electronically or through the mail. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Hilt et al to modify the device of Lamm to allow payment through the mail to give the bill payers more ways to pay the bills.

6. Claims 7, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm in view of Ziarno. Lamm shows all the features of the applicant's claimed invention except the means to allow the bill payor to make political or charitable contributions. Ziarno discloses a method for making political or charitable contributions, see col. 5, line 55, over the Internet, see col. 11, line 26, using electronic

Art Unit: 2167

funds transfer, see col. 10, line 2. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ziarno to provide the device of Lamm with means to allow the bill payor to make political or charitable contributions over the Internet as a further service to the bill payor.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm in view of Egendorf. Lamm shows all the features of the applicant's claimed invention except charging a fee for a service provider. Egendorf discloses an Internet bill paying service that charges a fee for a service provider, see col. 5, lines 46-50. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Egendorf to provide the device of Lamm with means to charge a fee for a service provider as such is a regular business arrangement.

Art Unit: 2167

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numerals 100-109 in Fig. 1 as referred to on page 51 of the specification; reference numerals 200A, 200B, 201 and 202 in Fig. 2A and reference numerals 203-222 in Figs 3-22, respectively as referred to on pages 52 and 53 of the specification. Correction is required.

9. Figures 2A to 2D are not labeled in the drawings. Correction is required.

Specification

10. The abstract of the disclosure is objected to because it includes claim-like language, such as: “means” and “said”. Correction is required. See MPEP § 608.01(b).

Art Unit: 2167

11. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Conclusion

12. The prior art cited in the specification has not been fully considered because the applicant has not submitted a copy of each reference, see MPEP 609.

13. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2167


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. Bartuska whose telephone number is (703) 308-1111. The examiner can normally be reached on Monday through Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

Art Unit: 2167

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


F. J. BARTUSKA
PRIMARY EXAMINER 2/21/02